

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED AMENDMENT
ARM 32.2.401 department of)
livestock animal health division)
fees and 32.4.602 exportation of) NO PUBLIC HEARING CONTEMPLATED
alternative livestock)

TO: All Concerned Persons

1. On October 23, 2016, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., October 15, 2016, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.2.401 DEPARTMENT OF LIVESTOCK ANIMAL HEALTH DIVISION
FEES (1) through (4)(i) remain the same.
(j) Trichomoniasis tags (5) ~~6.45~~ 8.35
(k) Trichomoniasis tags (10) ~~12.90~~ 16.70
(l) Trichomoniasis tags (25) ~~32.25~~ 41.75

AUTH: 81-2-102, MCA

IMP: 81-1-102, 81-2-502, 81-2-704, MCA

REASON: When the department placed the 2016/2017 trich tag order, the manufacturer informed us that the price of the tags had increased from \$1.03 to \$1.41 per tag. This increase is \$.38 per tag. The department proposes to amend ARM 32.2.401 to ensure fees are commensurate with the costs as required by 81-1-102(2), MCA.

32.4.602 EXPORTATION OF ALTERNATIVE LIVESTOCK (1) Any alternative livestock exported must be tagged and marked in compliance with ~~81-3-102(2) and 87-4-414, MCA~~ ARM 32.4.201.

(2) The animal must meet the inspection requirements for change of ownership and movement of ~~game farm animals~~ alternative livestock prior to movement from the alternative livestock farm in accordance to ARM 32.4.301.

(3) The shipment must be accompanied by a certificate of inspection and valid bill of sale for animals that have changed ownership.

AUTH: 87-4-422, MCA

IMP: 81-3-102, 87-4-414, 87-4-422, MCA

REASON: Other alternative livestock rules have been amended to remove the term "game farm animals" replacing that phrase with "alternative livestock." ARM 32.4.602(2) was apparently overlooked and the department is proposing to amend the section accordingly.

In (3), the department is proposing to insert the word "must" as to be grammatically correct.

Implementation citations are being added to accurately reflect all statutes implemented through the rule.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., October 21, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. October 21, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 10 based upon 32 licensed alternative livestock facilities and 68 licensed veterinarians in the state of Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State, September 12, 2016.